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Counterclaim-Defendants EVOLUTION  
FAST FOODS, LLC and  
MITCH C. WALLIS

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Attorneys for Defendants and  
Counterclaim-Plaintiffs EVOLUTION FRESH, INC.  
and STARBUCKS CORPORATION

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

EVOLUTION FAST FOODS, LLC, a  
California limited liability company,  
and MITCH C. WALLIS,

Plaintiffs and Counterclaim-  
Defendants,

vs.

EVOLUTION FRESH, INC., a  
Delaware corporation, and  
STARBUCKS CORPORATION, a  
Washington corporation,

Defendants and Counterclaim-  
Plaintiffs,

and DOES 1-20, inclusive,

Defendants.

Case No.: 3:12-cv-2003-JAH (NLS)

**JOINT MOTION TO CONTINUE  
THE MANDATORY SETTLEMENT  
CONFERENCE**

1           Plaintiffs and Counterclaim-Defendants Evolution Fast Foods, LLC and  
2 Mitch C. Wallis (collectively, “Plaintiffs”) and Defendants and Counterclaim-  
3 Plaintiffs Evolution Fresh, Inc. and Starbucks Corporation (collectively,  
4 “Defendants”), by their respective counsel, respectfully move the Court for an  
5 Order to continue the Mandatory Settlement Conference currently set for January  
6 13, 2014 (See Doc. No. 26), by 30 days. In support of this Joint Motion, the  
7 parties state as follows:

8           1.     The purpose of this Joint Motion is to give the parties the time they  
9 need to maximize their ability to reach an early disposition of this case by  
10 settlement agreement and to avoid burdening the time and resources of the Court.

11          2.     Good cause exists to support the requested 30-day continuance  
12 because the parties have reached an agreement in principle to resolve this case;  
13 have memorialized the terms of their agreement in a draft; and are in the midst of  
14 negotiating a few minor outstanding issues. The parties sincerely believe they are  
15 likely to resolve the minor remaining issues in the near future and anticipate that  
16 the draft settlement agreement will be executed within 30 days.

17          3.     The settlement negotiations have been delayed due to Plaintiffs’  
18 recent travel schedule and various business obligations. This delay, however,  
19 should not be construed as a lack of desire to reach a resolution in this matter. To  
20 the contrary, Plaintiffs are committed to working with Defendants to amicably  
21 settle this case.

22          4.     Counsel for both parties agree that settlement is imminent. The draft  
23 agreement has already been circulated and the majority of terms agreed upon.  
24 There is no question that a settlement agreement will be executed in the near  
25 future. Specifically, counsel for both parties anticipate the parties will reach a full  
26 and final resolution of this matter within the next 30 days.

27          5.     A copy of the parties’ Proposed Order granting the 30-day  
28 continuance is submitted concurrently herewith.

1           6.     Counsel for both parties have worked together in drafting the  
2 Proposed Order and approve same.

3           WHEREFORE, Plaintiffs and Defendants respectfully move the Court to  
4 grant this Joint Motion, to enter the Proposed Order tendered herewith or a form  
5 substantially the same, and to grant all other just and proper relief.

6  
7           Respectfully submitted,

8 Dated: January 10, 2014

GARY L. EASTMAN APLC

9 By: /s/ Gary L. Eastman

10 Gary L. Eastman

11 Attorneys for Plaintiffs and  
12 Counterclaim-Defendants EVOLUTION  
13 FAST FOODS, LLC and MITCH C.  
14 WALLIS

15  
16 Dated: January 10, 2014

FISH & RICHARDSON P.C.

17 By: /s/ Lisa M. Martens

18 Lisa M. Martens

19 Attorneys for Defendants and  
20 Counterclaim-Plaintiffs EVOLUTION  
21 FRESH, INC. and  
22 STARBUCKS CORPORATION  
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I am over the age of eighteen years and not a party to this action. My business address is 401 West A Street, Suite 1785, San Diego, California, 92101, which is located in the county where the service described below took place.

## JOINT MOTION TO CONTINUE THE MANDATORY SETTLEMENT CONFERENCE

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Executed on January 10, 2014 in San Diego, California

By: /s/ Gary L. Eastman  
\_\_\_\_\_  
Gary L. Eastman